

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

March 13, 2005

SENATE FLOOR AMENDMENT number \_\_\_1\_\_\_ to HOUSE BILL 368, as amended  
Amendment sponsored by Senator Ben D. Altamirano

1. Strike Senate Corporations and Transportation Committee  
Amendments 1 and 2.

2. On page 1, line 12, strike "A SECTION" and insert in lieu  
thereof "SECTIONS".

3. On page 1, between lines 15 and 16, insert the following  
new section:

"Section 1. Section 13-1-104 NMSA 1978 (being Laws 1984,  
Chapter 65, Section 77, as amended) is amended to read:

"13-1-104. COMPETITIVE SEALED BIDS--PUBLIC NOTICE.--

A. An invitation for bids or a notice thereof shall be  
published not less than ten calendar days prior to the date set  
forth for the opening of bids. In the case of purchases made by the  
state purchasing agent, the invitation or notice shall be published  
at least once in at least three newspapers of general circulation in  
this state; in addition, an invitation or notice may be published  
electronically on the state purchasing agent's web site that is  
maintained for that purpose. In the case of purchases made by other  
central purchasing offices, the invitation or notice shall be  
published at least once in a newspaper of general circulation in the  
area in which the central purchasing office is located. These  
requirements of publication are in addition to any other procedures  
that may be adopted by central purchasing offices to notify  
prospective bidders that bids will be received, including  
publication in a trade journal, if available. If there is no  
newspaper of general circulation in the area in which the central

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

SF1/HB 368, aa

Page 2

purchasing office is located, such other notice may be given as is commercially reasonable.

B. Central purchasing offices shall send copies of the notice or invitation for bids involving the expenditure of more than [~~ten thousand dollars (\$10,000)~~] twenty thousand dollars (\$20,000) to those businesses that have signified in writing an interest in submitting bids for particular categories of items of tangible personal property, construction and services and that have paid any required fees. A central purchasing office may set different registration fees for different categories of services, construction or items of tangible personal property, but such fees shall be related to the actual, direct cost of furnishing copies of the notice or invitation for bids to the prospective bidders. The fees shall be used exclusively for the purpose of furnishing copies of the notice or invitation for bids of proposed procurements to prospective bidders.

C. A central purchasing office may satisfy the requirement of sending copies of a notice or invitation for bids by distributing the documents to prospective bidders through electronic media. Central purchasing offices shall not require that prospective bidders receive a notice or invitation for bids through electronic media.

D. As used in this [~~subsection~~] section, "prospective bidders" includes persons considering submission of a bid as a general contractor for the construction contract and persons who may submit bids to a general contractor for work to be subcontracted pursuant to the construction contract. Central purchasing offices shall make copies of invitations for bids for construction contracts available to prospective bidders. A central purchasing office may require prospective bidders who have requested documents for bid on a construction contract to pay a deposit for a copy of the documents for bid. The deposit shall equal the full cost of reproduction and delivery of the documents for bid. The deposit, less delivery

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

SF1/HB 368, aa

Page 3

charges, shall be refunded if the documents for bid are returned in usable condition within the time limits specified in the documents for bid, which time limits shall be no less than ten calendar days from the date of the bid opening. All forfeited deposits shall be credited to the funds of the applicable central purchasing office."".

4. Renumber the succeeding section accordingly.

5. On page 1, line 22, strike "twenty-five thousand dollars (\$25,000)" and insert in lieu thereof "twenty thousand dollars (\$20,000)".

6. On page 2, line 4, strike "fifty thousand dollars (\$50,000)" and insert in lieu thereof "thirty thousand dollars (\$30,000)".

7. On page 2, line 17, strike "ten thousand dollars (\$10,000)" and insert in lieu thereof "five thousand dollars (\$5,000)".

\_\_\_\_\_  
Ben D. Altamirano

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_